

RECEIVED
CENTRAL FAX CENTER

DEC 21 2006

Doc Code: AP.PRE.REQ

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0851-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) Y08920000632451	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>21 December 2006</u> Signature <u>Anne Vachon Dougherty</u> Typed or printed name <u>Anne Vachon Dougherty</u>		Application Number <u>09/664,479</u>	Filed <u>9/18/00</u>
		First Named Inventor <u>Chapman</u>	
		Art Unit <u>2618</u>	Examiner <u>Tu X. Nguyen</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>30,374</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>Anne Vachon Dougherty</u> Signature <u>Anne Vachon Dougherty</u> Typed or printed name <u>(914) 962-5910</u> Telephone number <u>21 December 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SN 09/664,479

1

The present application claims a network node device for automatically, dynamically, and selectively connecting one or more telephone wirelines to one or more wireless connections, for providing dynamic selective bridging of incoming and outgoing calls to and from wireless devices based on unique identifying information, including privacy policies associated with the wireless devices to which the wireless connections are being made. While multiple devices may share a phone number and a single wireline, the inventive network node and method allows selective connection across the different devices based on the unique information associated with each specific device, so that multiple incoming calls to a single telephone number and/or outgoing calls can be connected between multiple different wireless devices and the wirelines even when the wireless devices share the same telephone number. All of the pending claims have been rejected as anticipated by the Tate patent (4,991,198).

The Tate patent is directed to an interconnection control method in a cordless telephone system having a connection unit connected to a subscriber line and a plurality of radio telephone sets connected through a radio communication circuit to the connection unit. Under Tate, each of the radio telephone sets in a signal transmits a calling signal containing group identification code and individual identification information. The connection unit returns an answer calling signal when the received group identification code coincides with predetermined

SN 09/664,479

2

information and establishes a speech channel between the connection unit and the other party telephone set.

Applicant asserts that the Examiner has erred in interpreting the claim language. With regard to the steps and means for storing unique service information, the Examiner states that "group identification codes" corresponds to "unique service information". Applicant respectfully disagrees. The term "unique" indicates that service information in accordance with the present invention is "specific to each of the plurality of wireless devices". The unique service information does not refer to service available to a group of devices; but refers to service information that is associated with only one device. Further, Tate teaches that a group identification code identifies all the radio telephone sets to be connected with the connection unit. Clearly identification of "all sets" does not anticipate unique service information.

With respect to the steps and processor for accessing the storage location and for generating call processing signals based on the stored unique information, Applicant again disagrees with the Examiner's conclusion that group identification codes comprise unique service information. Further, Tate generates signals if group information shows that all sets in the group should have service, while the present invention only generates call processing signals for one set based on unique service information. Applicant further asserts that "14 of Fig. 1" is

SN 09/664,479

3

cited against the processor as well as the bridge. One component of the reference cannot anticipate two distinctly claimed components set forth the claims.

In addition, Applicant contends that the Tate patent does not teach or suggest an interconnection switch as claimed. While Tate may connect one set from a group to a call, Tate does not teach or suggest connecting multiple incoming calls for the same single called telephone number to more than one wireless device.

It is well established under U.S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Anticipation under 35 USC 102 is established only when a single prior art reference discloses each and every element of a claimed invention. See: In re Schreiber, 128 F. 3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F. 3d 1475, 1478-1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F. 2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990) and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F. 2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Since the Tate patent does not teach a network node device for dynamically, and selectively connecting one or more telephone wirelines to one or more wireless connections comprising: one or more connections to one or more telephone wirelines; one or more wireless signal generators supporting one or more wireless connections; at least one storage location for storing unique service information for

SN 09/664,479

4

each of a plurality of wireless devices; a processor for accessing the storage location and for generating call processing signals based on the stored unique information; an interconnection switch that makes and breaks interconnections between the telephone wirelines and the respective wireless signal generators to connect one or multiple incoming calls to more than one of the plurality of wireless devices in response to the call processing signals; and a bridge that dynamically bridges signals from multiple wireless connections to one or more of the telephone wirelines for outgoing calls from more than one of the wireless devices in response to call processing signals generated by the processor based on stored unique information, it cannot be maintained that the Tate patent anticipates the invention as claimed. Accordingly, Applicant believes that the anticipation rejections must be withdrawn.